

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Case No. 3:24-CV-783-FDW-DCK

Jameson C., minor, by next friend STEVEN
BOLCH; *et. al.*,

Plaintiffs,

v.

ROY COOPER in his official capacity as the
Governor of North Carolina, *et al.*,

Defendants.

**RESPONSE TO DHHS
DEFENDANTS' NOTICE
OF SUPPLEMENTAL
AUTHORITY [ECF 143]**

Sheppheard v. Morrissey, No. 24-6691, slip op. (4th Cir. July 9, 2025), is factually distinguishable from this case. Plaintiffs there lacked standing because they did not sue the proper parties whose actions were fairly traceable to the alleged unconstitutional prison conditions that caused their injuries. Slip op. at 12-15, 21-22. Rather, as alleged in their complaint, a third party, the Commissioner of West Virginia Division of Corrections and Rehabilitation (“WVDCR”), “actually carries out the day-to-day operations” of the facilities at issue, *id.* at 13, and has “authority and responsibility for [their] administration, operation, and control.” *Id.* at 16, 21. For similar reasons, the *Sheppheard* plaintiffs did not adequately allege that their requested relief was within the defendants’ control such that they could redress their injuries. *Id.* at 16, 21-22. That is not the case here.

Respectfully submitted, this the 29th of August, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Court using the CM/ECF system, which will send notification of the filing via email to counsel of record.

This the 29th of August, 2025.

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